

## **Draft Agenda for NPDES Permits Session with HDOH, May 2011**

The NPDES Program regulates point source discharges of pollutants to surface waters of the United States. The Clean Water Act (CWA) and other relevant Federal statutes provide the statutory authority and basis for the program. Hawaii Department of Health, Clean Water Branch is delegated the NPDES program and is responsible for development and implementation of the program in Hawaii.

Hawaii/EPA mid-year grant negotiations provides EPA and HDOH an opportunity to assess the current performance of Hawaii's NPDES program, align priorities, address issues, and plan for future issuance of NPDES permits in Hawaii.

**Current Performance/Backlog** (*Issue: large permit backlog is growing. Desired outcome: discuss current statistics and agree on plans for future issuance, including increased issuance of major and non-SW minor facility permits.*), 20 min.

1. Review % current vs. expired permits and # permits issued (e.g. 22% current Majors (4/18 permits)), considering 106 work plan requirements. See reference document: *Hawaii Permits %Current Status\_May 2011*.
2. Permit issuance schedule performance and future commitments, (i.e. issued 2 of 13 permits planned for 1<sup>st</sup> and 2<sup>nd</sup> quarter FY11 (due March), and issued 1 planned for 3<sup>rd</sup> quarter). See reference document: *HDOH FY11 permit issuance schedule*.
3. Discuss plan for 2012 General Permit reissuance, considering the 12 GPs **cannot** be administratively extended.

**Priorities/Workload Distribution** (*Issue: permit writers have large workload unrelated to major and non-stormwater minor individual permit issuance. Desired outcome: evaluate HDOH and EPA priorities and develop solutions to tackle permit backlog*), 30 min.

1. Immediate Supervisor vacancy. DOH to report plan for filling vacancy and current impact on acting staff workload.
2. WPC system and e-permitting testing are resource intensive. DOH to report the testing status, discuss the benefits of the current time investment, and provide an estimated completion date.
3. Large workload involved in issuing individual stormwater permits for discharges to Class 1(a) and AA waters. DOH to report plan for development and issuance of GP for stormwater discharges to Class 1(a) and AA waters (and concurrently removing GPs from HAR).
4. NOI review for GPs is resource intensive. Propose change to GPs during reissuance in 2012 to exclude the requirement for NOI review.

**Permit Contractor-Assistance Opportunity** (*Desired outcome: discuss opportunity to use EPA contractor assistance for issuing backlogged permits*), 30 min.

1. Cost estimate per permit.
2. Proposed permits to be written by contractor: Honouliuli and Sand Island WWTPs, and GP for stormwater discharges to Class 1(a)/AA waters.

**Whole Effluent Toxicity (WET) Training** (*Desired outcome: provide HDOH details on planned contractor/EPA-provided training*), 10 min.

1. Update on Cost estimate/Statement of Work for October 2011 training on WET implementation in permits and the *T. gratilla* urchin method for HDOH Engineering and Compliance offices. (Support to be provided under 106 grant).

**Specific Permit Issues** (*Issue: permits with complications and permit quality. Desired outcome: discuss permit issues, EPA technical support, and agree on issuance schedule for each permit listed*), 25 min.

1. CCH MS4 (Waimanalo Priority Watershed) and HDOT MS4 – DOH revised CCH MS4 to include trash and Waimanalo TMDL provisions and is currently making revisions to address public comment. DOH to report estimated completion date and final issuance of CCH MS4. DOH to report schedule for HDOT MS4 reissuance.
2. Pesticides General Permit (PGP) – DOH to provide schedule for issuing permit prior to new court deadline of October 2011.
3. Honouliuli and Sand Island WWTPs – DOH proposed issuance is 4<sup>th</sup> Quarter FY11. DOH provided extension to complete application submittals to May 16 for Sand Island and July 8 for Honouliuli. DOH to provide update on schedule for permit issuance. Propose contractor support.
4. Honolulu Seawater A/C – Proposed project issues include: new discharge to nutrient impaired waters, antidegradation analysis needed, and design does not comply with 316(b). EPA provided comments on EIS via Environmental Review Office. DOH commented on permit and zone of mixing applications, requiring more information regarding compliance with 316(b) and antidegradation. Extent of listed impairment to Mamala Bay unclear.
5. Grove Farm – DOH proposed issuance 1<sup>st</sup> Quarter FY11. EPA commented on public-notice permit in July 2010. DOH to report schedule for issuance.

**CAFO Rule Update** (*Desired outcome: agreement on schedule for CAFO rule adoption*), 5 min, if time allows.

1. EPA to provide update on impact of 5<sup>th</sup> Circuit Opinion. DOH to provide schedule for CAFO rule adoption.